

UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA

v.

MICHAEL MURRAY

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Case No. 3:22-mj-109-DJS

Defendant



CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of November 1, 2021 in the county of Delaware in the Northern District of New York the defendant violated:

Code Section

Offense Description

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet.

Youstina Aziz
Complainant's signature
HSI SA YOUSTINA AZIZ
Youstina Aziz
Printed name and title

Attested to by the affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date: March 14, 2022

City and State: Albany, NY

4.1 of the Federal Rules of Criminal Procedure.



Daniel J. Stewart
Judge's signature

Hon. Daniel J. Stewart, U.S. Magistrate Judge
Daniel J. Stewart
Printed name and title

Affidavit in Support of a Criminal Complaint

I, Youstina Aziz, being duly sworn, depose and state:

INTRODUCTION

1. I make this affidavit in support of a criminal complaint charging Michael Murray (“MURRAY”) with knowingly possessing child pornography that has been transported using any means or facility of interstate or foreign commerce by any means, including by computer, in violation of Title 18 United States Code, Section 2252A(a)(5)(B).

2. I am a Special Agent with the US Immigration and Customs Enforcement Office of Homeland Security Investigations (“HSI”) and have been since September 2020. As such, I am an investigative or law enforcement officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in Title 18, United States code, Section 2516(1). Prior to my tenure as a Special Agent with Homeland Security Investigations, I was a Deputy Sheriff with the Albany County Sheriff’s Office from December 2018 through approximately March 2020, and a Police Officer with the Troy Police Department from approximately March 2020 through September 2020. I have participated in the execution of several state arrest and search warrants, and, as a Federal Agent, I have participated in the execution of arrest and search warrants in child pornography and child exploitation investigations.

3. As an HSI Special Agent, I am authorized to seek and execute federal arrest and search warrants for Title 18 criminal offenses including offenses related to the sexual exploitation of minors, specifically those involving the transportation, possession, distribution, and receipt of child pornography, in violation of Title 18, United States Code, Sections 2251(a) and 2252A. I have completed the Criminal Investigator Training Program (CITP) and the

Homeland Security Investigations Special Agent Training (HSISAT) program at the Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia. I also have a Bachelor of Arts in Criminal Justice degree and a Bachelor of Arts in Chemistry degree. During both basic training, and subsequent training, I received instruction on conducting online child pornography investigations.

4. The statements contained in this affidavit are based upon my investigation, information provided by other law enforcement officers, information gathered from the service of administrative subpoenas and responses to federal search warrants, and my experience and training as an HSI Agent.

5. Because this affidavit is being submitted for the limited purpose of supporting a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that MURRAY has violated Title 18, United States Code, Section 2252A(a)(5)(B)(possession of child pornography).

BASIS FOR A PROBABLE CAUSE FINDING

6. In February 2021, Google submitted five Cybertips to NCMEC regarding the upload of child sexual abuse material to their servers, stored in a Google Photos infrastructure belonging to "Michael M" with a verified mobile phone number of xxx-xxx-6405, date of birth of xx-xx-1952, and verified email addresses of [REDACTED]@gmail.com and [REDACTED]@twc.com. Google's Cybertips identified the IP addresses used by "Michael M" to upload and store the child pornography files to its servers.

7. Law enforcement officers submitted a summons to Charter Communications for subscriber information related to “Michael M’s” IP address on January 17, 2021, the date when the user of that IP address uploaded a child pornography file Google’s servers. According to Charter Communications, the IP address was leased to “Michael A. Murray, [REDACTED], Sidney, NY 13838” from December 19, 2020 to the date Charter replied to the summons on August 16, 2021.

8. Your affiant reviewed the following child pornography files contained in the Google Cybertips:

- a. report_5960534575576950709: An approximately five to seven year-old girl holds up her gray sweater and has her dark colored pants pulled down exposing her vaginal area, which is the focal point of the image.
- b. report_15710276305524667493: An approximately three to five year-old girl lays on her side with her spread apart, exposing her vagina, which is the focal point of the image.
- c. report_18316087521534439597: An adult’s fingers spread apart the vagina of an approximately 5-10 year-old female child, exposing the vagina and anus of the child. The child’s exposed genitalia is the focal point of the image.

9. On October 6, 2021, a law enforcement officer, using an undercover persona, spoke with a male at MURRAY’s residence. The male identified himself as “Michael Murray” and confirmed that he lived at the residence.

10. On October 27, 2021, the Honorable John Lambert, Delaware County Court, New York, authorized the search of MURRAY’s residence and any computers and devices located during the search for evidence of violations of New York Penal Law, Sections 263.15

(Promoting a Sexual Performance by a Child), 263.16 (Possessing a Sexual Performance by a Child), and 263.05 (Use of a Child in a Sexual Performance).

11. On November 1, 2021, law enforcement officers executed the above search warrant at MURRAY's residence and recovered from MURRAY's person a Oneplus cellular phone, manufactured in China. The Oneplus cellular phone was found on MURRAY's person. MURRAY admitted the Oneplus phone was his and gave consent to law enforcement officials to view it. MURRAY further consented to providing to law enforcement officials with the passcode to the Oneplus device, which the officials used to successfully gain access to the phone.

12. A search of the Oneplus phone revealed over 20 images and two videos of minors engaged in sexually explicit conduct, including the following images:

- a. 1063.jpg: A female child, approximately 2 to 4 years old, lies on her back, wearing what appears to be swim suit bottoms pulled to the side, while an adult male's penis penetrates her vagina.
- b. 776.jpg: A female infant lays on her back with her legs spread, exposing her anus, vagina, and breasts.
- c. image000004(duplicate_filename_197).jpg: A female child, approximately 8 to 10 years old sits naked on top of an adult male with her legs spread open. The adult male's penis is inserted into the girl's vagina.

13. During the execution of the search warrant, MURRAY, who was informed that he was not under arrest and who was not in custody, admitted that he used the email addresses as provided in paragraph 6, above. MURRAY further admitted that he "saw a teenage girl naked from the waist down and she had blonde hair" on his Google account. Law enforcement officials asked MURRAY if he would agree to an interview at the New York State Police Troop C

Headquarters. After MURRAY agreed to the interview, he was transported to the Troop C Headquarters. MURRAY was given his Miranda rights, which he invoked, terminating the interview.

14. I reviewed MURRAY's criminal history, and, on May 4, 2016, MURRAY was convicted of Promoting a Sexual Performance by a Child Less than 17 Years of Age, in violation of New York Penal Law Section 263.15 and sentenced to a term of 1-3 years imprisonment.

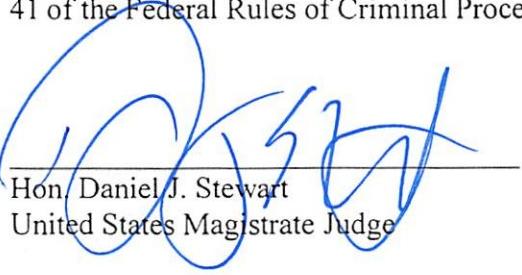
CONCLUSION

15. Based upon the above information, I respectfully submit that there is probable cause to believe that on or about November 1, 2021, MURRAY knowingly possessed child pornography in violation of Title 18, United States Code, Section 2252A(a)(5)(B).



YOUSTINA AZIZ
Special Agent, HSI

I, the Honorable Daniel J. Stewart, United States Magistrate Judge, hereby acknowledge that this affidavit was attested to by the affiant by telephone on March 14, 2022 in accordance with Rule 41 of the Federal Rules of Criminal Procedure.



Hon. Daniel J. Stewart
United States Magistrate Judge